

TOWN OF ABINGDON, VIRGINIA
REGULAR COUNCIL MEETING
MONDAY, MARCH 6, 2006 – 7:30 P.M.
MUNICIPAL BUILDING

The regular meeting of the Abingdon Town Council was held on Monday, March 6, 2006 at 7:30 P.M. in the Council Chambers of the Municipal Building.

A. ROLL CALL

Members of Council present: Mayor Lois H. Humphreys
Mr. Robert M. Howard
Mr. Thomas C. Phillips, Jr.
Mr. Edward B. Morgan

Members of Council absent: Dr. French H. Moore, Jr., Vice Mayor

Comprising a quorum of the Council

Administrative Staff: G. M. Newman, Town Manager
Greg Kelly, Town Attorney
Mark Godbey, Finance Director
Garrett Jackson, Planning Director
C. M. Vernon, Jr., Public Works Director
Chris Johnson, Parks & Recreation Director
Myra Cook, Tourism Director
Tony Sullivan, Police Chief
John McCormick, Assistant Fire Chief
Linda F. Wilson, Town Clerk

Visitors: Allyn Morton, Anne Hutton, Charles Seavers, Steve Smith,
Mike Wartella, Samantha Sieber of Bristol Herald Courier,
And others

B. APPROVAL OF MINUTES – February 6, 2006 Work Session
February 6, 2006 Regular Meeting

Mr. Morgan made the motion that the minutes of the February 6, 2006 work session, and the February 6, 2006 regular meeting be approved as submitted. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
Mayor Humphreys – Aye

The motion carried.

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D. CONSIDERATION OF ANY BIDS

1. Consideration – Tabulation of Bids
One 35,000 gvw Truck with Leaf Loader & Packer Body. (Street Department)

The Director of Public Works submitted the tabulation for the bid opening that was held on March 1, 2006 at 2:00 P.M. (copy attached to and made a part of these minutes)

Mr. Howard made the motion, based on the recommendation of the Street Superintendent, to approve the bid submitted by Goodpasture Motor Co., Inc. in the amount of \$115,874.00 for the 35,000 gvw truck with leaf loader and packer body. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

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E. **REPORTS FROM THE TOWN MANAGER**

1. Consideration – Request for Approval, Final Plat for Church Street Estates Subdivision.
(Owner/Subdivider: Yellow Poplar Development, LLC/Michael L. Edwards)

Mr. Morgan made the motion to approve the final plat for Church Street Estates Subdivision, subject to drainage conditions and final details to be worked out by the Public Works Department. Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

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2. Consideration – Request for Approval, Memorandum of Understanding (MOU) Employment of the Incubator Executive Director. (Virginia Highlands Small Business Incubator)

The Town Manager advised that the Memorandum of Understanding (MOU) was previously followed for employment of the Incubator Executive Director. The Town served as the fiscal agent for payroll, insurance, etc., and provided the same benefits as those received by Town employees.

Mr. Phillips made the motion that the request for the Memorandum of Understanding (MOU) between the Virginia Highlands Small Business Incubator, Inc. and the Town of Abingdon be approved as presented. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

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3. Consideration – Review Committee Recommendation for Depot Square Pedestrian Safety & Enhancement Renovations Engineering Services. (Public Works Department)

Monty Vernon, Public Works Director, advised that five engineering firms submitted proposals to provide services for the Depot Square Pedestrian Safety & Enhancement Renovations. The Review Committee chose three to be interviewed: They included: Allen & Hoshall, Thompson & Litton, Inc., and Hayes Seay Mattern & Mattern. It was the recommendation of the Review Committee that they be authorized to negotiate a contract with Hayes Seay Mattern & Mattern. Mr. Vernon added that the project will be funded by two grants for a total amount of \$425,000.

Mr. Morgan made the motion that the Town Manager and staff be authorized to enter into contract negotiations with Hayes Seay Mattern & Mattern to provide engineering services for the Depot Square Pedestrian Safety & Enhancement Renovations project. Mr. Phillips seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

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F. REPORTS FROM THE TOWN ATTORNEY

Greg Kelly, Town Attorney, reported on the issues that were submitted at the previous meeting by Steve and Charlie Smith regarding the Virginia Creeper Trail. Mr. Kelly advised that fencing for a portion of the Smith property was discussed earlier in the work session. Efforts are currently underway to obtain cost estimates for the fence; however, timing will be an issue to remedy the situation.

Mr. Kelly added that the Creeper Trail Club and the Parks and Recreation Commission are currently reviewing the rules and regulations for use of the trail. They hope to have signs posted at trailhead locations in the near future.

Steve Smith expressed concerns regarding the timeframe. Chris Johnson, Parks and Recreation Director, advised that he plans to contact Mr. Smith in the near future.

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J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

1. Update, Fairview Project. (Allyn Morton)

Allyn Morton represented the “Fairview in Abingdon Foundation, Inc”. Mr. Morton noted that he had previously submitted a report to Council regarding the status of the project.

Mayor Humphreys advised that Mr. Morton is serving as President of the committee that was appointed to develop the project. She explained that Jim and Judy Moore had donated a parcel of property located on Hillman Highway to the Town. A log house exists on the property. The property was donated with the condition that it be developed into a historical site dating back to its 1796 heritage.

Council expressed appreciation to Mr. Morton for the work he has done to get the project started.

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2. Consideration – Acceptance of Deed & Appointment of Interim Cemetery Committee, Sinking Spring Cemetery. (Councilman Thomas C. Phillips, Jr.)

Anne Hutton, trustee, spoke on behalf of Sinking Spring Presbyterian Church. Ms. Hutton advised that the deed had been approved by the authorities under the church’s governing law, and the Circuit Court of Washington County, Virginia. She tendered the deed to the Mayor for the church’s interest in the Sinking Spring Cemetery which is located on the western end of Valley Street and on both sides of Russell Road.

Mayor Humphreys advised that the Town had been maintaining the cemetery for several years. Therefore, the church had deeded it to the Town.

Mr. Phillips made the motion that (i) the deed as presented by the Trustees of the Sinking Spring Presbyterian Church be accepted by the Town of Abingdon, (ii) that the Town Manager be authorized and

directed to sign the deed for the Town of Abingdon, and (iii) that the Town Attorney be authorized and directed to record the deed in the Clerk's Office of the Circuit Court of Washington County, Virginia. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye
 Mayor Humphreys - Aye

The motion carried.

Mr. Phillips made the motion to appoint an interim Sinking Spring Cemetery Committee consisting of seven (7) members as follows: 1-Town of Abingdon; 1- Historical Society of Washington County, Virginia; 1- Sinking Spring Presbyterian Church; 1 - Funeral Home located in the Town of Abingdon; 3 - Community at large, one of whom has family buried in the cemetery; and further that the committee be requested to report back to the Council, not later than March 2007, with its recommendation regarding future management of the cemetery, including but not limited to its recommendations regarding future burials in the cemetery. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye
 Mayor Humphreys - Aye

The motion carried.

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3. Consideration - Request for Supplemental Appropriation of \$42,285 for FY 2005-06, Virginia Highlands Small Business Incubator.

Mayor Humphreys advised that Bristol, Virginia had withdrawn from participation in the Virginia Highlands Small Business Incubator. As a result, the Town's portion had increased from one-sixth to one-half. Therefore, the request of \$42,285 is to replace the requested funds not provided by Bristol, Virginia.

Mr. Howard made the motion to approve the supplemental appropriation for fiscal year 2005-06, in the amount of \$42,285 as requested by the Virginia Highlands Small Business Incubator. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan - Aye Mr. Phillips - Aye Mr. Howard - Aye
 Mayor Humphreys - Aye

The motion carried.

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J. MISCELLANEOUS BUSINESS AND COMMUNICATIONS

4. Appointment of 2 Directors, Virginia Highlands Small Business Incubator.

Mayor Humphreys advised that the appointments would be discussed in close session.

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K. MATTERS NOT UPON THE AGENDA

1. Steve Smith asked if the answer to the fencing issue regarding the Virginia Creeper Trail was yes, no, or maybe? Mayor Humphreys replied that the answer was yes, with details to be worked out with Mr. Kelly and Mr. Johnson.

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2. Mike Wartella asked about the status of the repair work on the Cummings Street Bridge. The Town Manager replied that just as soon as the asphalt plants start up, work will begin to finalize the project.

Mr. Wartella also asked about the status of the pedestrian walkways planned for the Historic District. The Town Manager replied that the new budget will include some funds for walkways. Hopefully, in addition to Depot Square, there will be another project, with the location to be at Council's discretion.

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3. Mr. Morgan noted that at the previous meeting on February 6, 2006, he made the following motion, which was a deduction of \$5 per pay period from each participating employee in the Town's group health insurance program to be used to help defray the cost of the employee health insurance, with the Town paying the difference of the increase between the amount of the employee deduction, and the actual increase.

After reflecting on the issue, Mr. Morgan made the motion for Council to rescind its prior action on the above motion. Mr. Phillips and Mr. Howard seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

Mr. Morgan made the motion that the Town accepts the proposal for group health insurance submitted by John Deere Insurance Company, and that the Town absorb the 4.67% increase of costs in premiums for employee coverage for fiscal year 2006, based upon the recommendation of the Town Manager. Mr. Phillips seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

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Mr. Phillips made the motion to go into closed session pursuant to Section 2.2-3711(A)(1) for the purpose of appointing two members to the Virginia Highlands Small Business Incubator Board, and to the interim Sinking Spring Cemetery Committee. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

Mr. Phillips made the motion to reconvene in regular session. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

The Town Clerk read the following certification:

Whereas, the Town Council of Abingdon, Virginia has convened in closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of information

Act; and Whereas, Section 2.2-3712(D) of the Code of Virginia requires a certification by the Town Council that such closed meeting was conducted in conformity with Virginia law;

Now, therefore, be it resolved that the Town Council of Abingdon, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement by Virginia law were discussed in closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

The roll call vote was: Mr. Morgan – I so certify Mr. Phillips – I so certify
 Mr. Howard – I so certify Mayor Humphreys – I so certify

The motion carried.

Mr. Howard made the motion to appoint Rob McDonald and Kyle Macione to represent the Town of Abingdon on the Virginia Highlands Small Business Incubator Board. Mr. Phillips seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

Mr. Phillips made the motion to appoint the following to the interim Sinking Spring Cemetery Committee: Town of Abingdon, Ed Morgan; Historical Society of Washington County, Virginia, Charles Seaver; Sinking Spring Presbyterian Church, Gene Matthis; Funeral Home located in the Town of Abingdon, Jack Frost; Community at Large, Kitty Henninger, Anne Hutton, Francine Ivery, and Tom Phillips. Mr. Morgan seconded the motion.

The roll call vote was: Mr. Morgan – Aye Mr. Phillips – Aye Mr. Howard – Aye
 Mayor Humphreys – Aye

The motion carried.

With no further business the meeting was adjourned. The time was 8:30 P.M.

Lois H. Humphreys, Mayor

Linda F. Wilson, Clerk